

### REVIEW OF CURRENT ENGLISH CASES.

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#### DIVORCE — FOREIGN DOMICIL OF HUSBAND — SEPARATE DOMICIL OF WIFE—JURISDICTION.

*De Montaigne v. De Montaigne* (1913) P. 154, is a case which seems to indicate the desirability of some international law on the subject of marriage. In this case a domiciled Frenchman married in England a domiciled Englishwoman. They lived together for some time in England as man and wife, but before very long the husband's father took proceedings in France to have the marriage declared null and void for non-compliance with the French law, and a decree was made there annulling the marriage. The result being that in France they were declared never to have been husband and wife, although validly married according to the law of England, so that the woman was not married according to French law, and yet if she married again she would in England be liable to a prosecution for bigamy. The wife petitioned for a divorce on the ground of desertion and adultery, and no defence was offered. In these circumstances, Evans, P.P.D., held that the rule or theory of law that the domicile of the husband governs the jurisdiction in suits for dissolution of marriage, as distinguished from other matrimonial suits, may be departed from in proper circumstances, and that the circumstances of this case justified a departure from it and warranted the Court in holding that, for the purpose of such a suit, the wife may be treated as having a domicile of her own sufficient to give the Court jurisdiction to entertain a suit by her for the dissolution of the marriage, and a divorce was accordingly granted.

#### WILL—CONSTRUCTION—LEGACY — INTEREST — LEGACY PAYABLE AT TWENTY-ONE—POWER TO APPLY LEGACY TOWARDS MAINTENANCE OF LEGATEE—OTHER PROVISIONS FOR MAINTENANCE.

*In re West, Westhead v. Aspland* (1913) 2 Ch. 345. This was an application to determine from what date a legacy of £900 bore interest. The legacy in question was bequeathed by the testatrix to her grand-niece if she should attain twenty-one. The will empowered the trustees in their absolute discretion to